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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,395	03/13/2001	Harold E.A. Hansen II	21618-001002	7984

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/805,395

Applicant(s)

HANSEN ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 12, 18-20, 24-27, 58-61 and 69-92 is/are pending in the application.
- 4a) Of the above claim(s) 85-90 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 12, 18-20, 24-27, 58-61, 69-84, 91 and 92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-3, 6, 12, 18-20, 24-27, 58-61, 69-84, 91, 92, drawn to a system for audio message storage at switching facility, classified in class 379, subclass 84.
 - II. Claims 85-90, drawn to equipment structure of a central switching system, classified in class 379, subclass 325.

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because invention I includes "voice mailbox", and invention II includes "data bus", "a first communication path", "a second communication path", and "a third communication path".
Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Kelly Kordzik on 11-17-05 a provisional election was made without traverse to prosecute the invention of 09/805395, claims 1-3, 6, 12, 18-20, 24-27, 58-61, 69-84, 91, 92. Affirmation of this election must be made by applicant in replying to this Office Action. Claims 85-90 were withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Terminal Disclaimer

4. The terminal disclaimer filed on 9-6-05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US: 6252944 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 83 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 69, 74, 80, 81, 84, 91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisdorfer et al (US: 5960348), and in view of Petrunka et al (US: 5991369).

For claims 1, 69, 81, 91, Eisdorfer et al teach on Fig. 1, a telephone call and voice processing system.

Eisdorfer et al teach on items 105, 118, 116 Fig. 1, IXC switch (claimed "switching circuitry") includes a switch fabric and a voice processing unit (claimed "voice processing circuitry").

Eisdorfer et al teach items 169, 101, Fig. 1, a plurality of telecommunications devices and each comprises a speaker and a microphone.

Eisdorfer et al teach on steps 213, 215 Fig. 2, column 3 line 41-42, telephone stations are connected based on telephone number (claimed "information accompanying the call").

Eisdorfer et al teach on item 107 Fig. 1, column 4 line 23-31, main processor (claimed "not more than one microprocessor") controls the overall operation of IXC switch (including the switch fabric and the voice processing unit).

Eisdorfer et al teach on column 2 line 19-39, when a call is placed to a disconnected telephone (reads on claimed "a user does not answer the call") the call is handled by different call features or routed to a secondary alternate telephone. Eisdorfer et al failed to teach "direct the call to a voice mailbox if a user does not answer the call". However, Petrunka et al teach on column 1 line 42-44, if called party does not answer the call, the local switch forwards the call to voice mail system.

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al to have the "direct the call to a voice mailbox if a user does not answer the call" as taught by Petrunka et al such that the modified system of Eisdorfer et al would be able to support the system users conveniences of forwarding the call to a voice mail system when the called party does not answer the call.

Regarding claim 74, see column 4 line 48-50 of Eisdorfer et al.

Regarding claims 80, see column 4 line 48-50 of Eisdorfer et al.

Regarding claim 84, rejections as stated in claim 1 apply.

Eisdorfer et al teach on items 169, 101 of Fig. 1 are separately operable telephone extensions.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisdorfer et al as applied to claim 1 above, in view of Petrunka et al, and further in view of Lohman (US: 5526397).

The modified system of Eisdorfer et al in view of Petrunka et al as stated in claim 1 above failed to teach "voice processing circuitry comprises a signal processing circuitry". However, Lohman teaches on Fig. 4, column 12 line 7-9, a voice processor comprises digital signal processors (claimed "signal processing circuitry").

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al in view of Petrunka et al to have the "voice processing circuitry comprises a signal processing circuitry" as taught by Lohman such that the modified system of Eisdorfer et al in view of Petrunka et al would be able to support the system users conveniences of having a signal processing circuitry in the voice processing circuitry.

10. Claims 3, 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisdorfer et al, in view of Petrunka et al, and in view of Lohman, and further in view of Pinede et al (US: 4554413).

All rejections as stated in claims 1, 2 above apply.

Eisdorfer et al failed to teach "a digital cross-point matrix". However, Pinede et al teach on column 2 line 19-37, a telephone system connects a telephone stations via cross point matrix means.

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al to have the "voice processing circuitry comprises a signal processing circuitry" and "a digital cross-point matrix" as taught by Lohman and Pinede et al such that the modified system of Eisdorfer et al would be able to support the system users conveniences of having a DSP for voice processing and coupling multiple telephone stations by cross point matrix means.

11. Claims 24-27, 58-61, 71, 77-79, 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisdorfer et al as applied to claim 1 above, in view of Petrunka et al, and further in view of Cho (US: 5544231).

All rejections as stated in claim 1 above apply.

Regarding claims 24, 25, 26, 58-60, 79, 83, Eisdorfer et al in view of Petrunka et al as stated in claim 1 above failed to teach "circuitry for listening.....;circuitry for activating a recording.....; circuitry for storing.....". However, Cho teaches on column 5 line 4-16, recording a telephone conversation (reads on claimed "circuitry for listening to a voice signal") by entering predetermined numbers via telephone dial keys or function buttons.

Cho teaches on Fig. 3, memory map for conversation recording. The memory must be a digital memory so that its map is in terms of "BYTES".

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al in view of Petrunka et al to have the "circuitry for listening.....;circuitry for activating a recording.....; circuitry for storing....." as taught by Cho such that the modified system of Eisdorfer et al in view of Petrunka et al would be able to support the system users conveniences of having circuitries for listening a voice signal, activating recording of the voice signal, and recording the voice signal in a digital memory.

Regarding claims 27, 61, all rejections as stated in claims 1, 24, 25, and 26 apply.

Cho teaches on column 2 line 4-7, playback and reproduce a previously recorded conversation (reads on claimed "voice signal originated from a voice mail message stored in the system").

Regarding claim 78, see column 4 line 48-50 of Eisdorfer et al.

Regarding claim 71, all rejections as stated in claim 27 above apply.

Eisdorfer et al in view of Cho failed to teach "a plurality of telecommunication devices connected to the system as telephone extensions accessible solely through the switching circuitry". However, "Office Notice" is taken that multiple telephone devices connected to a switching system is old and well known to

one skilled in the art. All calls to the telephone devices must go through the controlling switch solely for connecting the calls.

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al in view of Cho to have the "a plurality of telecommunication devices connected to the system as telephone extensions accessible solely through the switching circuitry" such that the modified system of Eisdorfer et al in view of Cho would be able to support the system users conveniences of connecting calls to telephone extensions solely via the switch.

Regarding claim 77, all rejections as stated in claim 27 above apply.

Regarding "trunk line", see column 4 line 48-50 of Eisdorfer et al.

12. Claims 73, 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisdorfer et al as applied to claim 1 above.

Eisdorfer et al in view of Petrunka et al as stated in claim 1 above failed to teach "the information is detected DTMF tones". However, "Official Notice" is taken that dialing a telephone number by pressing the telephone keypad for generating DTMF tones is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al in view of Petrunka et al to have the "the information is detected DTMF tones" such that the modified system of Eisdorfer et al in view of Petrunka et al would be able to support the system users conveniences of pressing telephone keypad and generating DTMF tones for addressing called party.

13. Claims 6, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisdorfer et al, in view of Van Berkum et al (US: 6028925).

Regarding claim 6, all rejections as stated in claim 1 above apply.

Eisdorfer et al failed to teach "the single processing means is controlled by a single set of software". However, Van Berkum et al teach on column 3 line 37-39, a telephone switch with a control

Art Unit: 2614

processor (claimed "single processing means") executes software programs to service the telephone calls. The collection of software programs is the claimed "a single set of software".

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al to have the "the single processing means is controlled by a single set of software" as taught by Van Berkum et al such that the modified system of Eisdorfer et al would be able to support the system users conveniences of controlling the single processing means by software.

Regarding claim 75, Eisdorfer et al in view of Van Berkum et al failed to teach "detected DTMF tones". However, "Official Notice" is taken that dialing a telephone number by pressing the telephone keypad for generating DTMF tones is old and well known to one skilled in the art.

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al in view of Van Berkum et al to have the "detected DTMF tones" such that the modified system of Eisdorfer et al in view of Van Berkum et al would be able to support the system users conveniences of pressing telephone keypad and generating DTMF tones for addressing called party.

14. Claims 12, 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisdorfer et al, in view of Petrunka et al, and further in view of Newlin (US: 6011579).

All rejections as stated in claim 1 above apply.

Eisdorfer et al failed to teach "a signal processing circuitry includes a DTMF receiver". However, Newlin teaches on column 15 line 23-27, The voice processing DSP (claimed "signal processing circuitry") contains program to perform DTMF pulse detection (reads on claimed "DTMF receiver").

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al to have the "a signal processing circuitry includes a DTMF receiver" as taught by Newlin such that the modified system of Eisdorfer et al would be able to support the system users conveniences of detecting DTMF by the DSP.

Art Unit: 2614

15. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisdorfer et al, in view of Cho, and further in view of Newlin.

Rejections as stated in claims 1, 18, 19 apply.

Eisdorfer et al failed to teach "circuitry for coupling a recording buffer". However, Newlin teaches on column 15 line 23-27, the DSP contains program memory and data memory (claimed "recording buffer"; recording program and data). There must be coupling circuitry to couple the memory and the DSP.

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al to have the "circuitry for coupling a recording buffer" as taught by Newlin such that the modified system of Eisdorfer et al would be able to support the system users conveniences of having memories for recording.

16. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisdorfer et al, in view of Pinede et al (US: 4554413).

All rejections as stated in claim 1 above apply.

Eisdorfer et al failed to teach "a digital cross-point matrix". However, Pinede et al teach on column 2 line 19-37, a telephone system connects a telephone stations via cross point matrix means.

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al to have the "a digital cross-point matrix" as taught by Pinede et al such that the modified system of Eisdorfer et al would be able to support the system users conveniences of coupling multiple telephone stations by cross point matrix means.

17. Claim 72 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eisdorfer et al, in view of Bertocci (US: 5953656).

All rejections as stated in claim 1 above apply.

Eisdorfer et al failed to teach "circuitry for monitoring a voice mail message while the message is being recorded". However, Bertocci teaches on column 1 line 65 to column 2 line 2, a telephone device allows a user to monitor incoming messages while the messages are being recorded.

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al to have the "circuitry for monitoring a voice mail message while the message is being recorded" as taught by Bertocci such that the modified system of Eisdorfer et al would be able to support the system users conveniences of monitoring messages while the messages are being recorded.

18. Claims 18, 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Eisdorfer et al, in view of Cho, and further in view of Han (US: 5991397).

Rejections as stated in claims 24, 25, 26 above apply.

When recording the conversation as taught by Cho, the calling and called parties must be on an off-hook state.

Eisdorfer et al failed to teach "the voice processing circuitry comprises a signal processing circuitry". However, Han teaches on column 4 line 16-17, the voice processing unit comprises a digital signal processor (claimed "signal processing circuitry").

It would have been obvious to one skilled at the time the invention was made to modify Eisdorfer et al to have the "the voice processing circuitry comprises a signal processing circuitry" as taught by Han such that the modified system of Eisdorfer et al would be able to support the system users conveniences of having the voice processing circuitry comprising a signal processing circuitry.

Response to Arguments

19. Applicant's arguments filed on 9/6/05 have been fully considered.

- i) New grounds of rejections necessitated by the amendments have been stated above.
- ii) Applicant argues, on page 18, regarding 35 U.S.C. 112, second paragraph rejections to claim 83. Applicant's arguments are not persuasive. The claimed "such as" renders the claim

Art Unit: 2614

indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Therefore, the metes and bounds cannot be identified.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

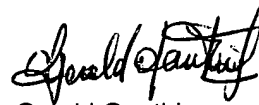
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald Gauthier
Primary Examiner
Art Unit 2614

GG